

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT LEWIS,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

23-CV-5822 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se* and submitted the complaint without a signature.

By order dated July 12, 2023, the Court directed Plaintiff, within thirty days, to resubmit to the court the signature page of the complaint with an original signature. (ECF No. 2.) The Clerk of Court mailed the order to Plaintiff on July 13, 2023, and on August 23, 2023, the mail was returned to the court, marked “undeliverable as addressed. On August 23, 2023, the Clerk of Court remailed the order to Plaintiff, and on September 26, 2023, the order was again returned to the court, marked, “return to sender; vacant; unable to forward.” By order dated October 30, 2023, the Court dismissed the action without prejudice for Plaintiff’s failure to comply with the Court’s July 12, 2023 order. (ECF No. 3.)

On November 27, 2023, Plaintiff filed a consent to receive electronic service of notices and documents in this case (ECF No. 5), a motion for extension of time to file a notice of appeal, (ECF No. 6), a letter advising the Court that he did not receive the Court’s July 12, 2023 order (ECF No. 7), a motion for reconsideration (ECF No. 8), and a declaration in support of the motion (ECF No. 9.)

The Court grants Plaintiff’s request for reconsideration and therefore vacates its October 30, 2023 order of dismissal and civil judgment and directs the Clerk of Court to reopen this case.

The Court grants Plaintiff thirty days from the date of this order to comply with the July 12, 2023 order to resubmit to the court the signature page of the complaint with an original signature. Plaintiff's request for an extension of time to file a notice of appeal (ECF No. 6) is denied as moot.

CONCLUSION

The Court grants Plaintiff's motion for reconsideration (ECF No. 8.)

The Clerk of Court is directed to vacate the October 30, 2023, order of dismissal (ECF No. 3) and civil judgment (ECF No. 4) and reopen this case.

The Court denies Plaintiff's request for an extension of time to file a notice of appeal as moot. (ECF No. 6.)

Plaintiff is directed, within thirty days of the date of this order, to resubmit to the court the signature page of the complaint with an original signature. If Plaintiff submits the signature page, it should be labeled with docket number 23-CV-5822 (LTS). A copy of the signature page is attached to this order.

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 16, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

procedures to ensure the façade could be restored efficiently; demolishing the front façade of Property B without providing engineering reports or due process; proposing to demolish Property B without providing engineering reports or due process; using pretexts to impose excess fines on Lewis, using pretexts to impose unreasonable and unjustified expenses on Lewis, all with the ultimate goal of taking Property B without just compensation or due process.

55. Wherefore the premises considered, Robert Lewis demands the sum of \$1,000,000 from the City of New York to restore the façade and cover the damages arising from constitutional violations by HPD and DOB to date.

Dated: New York, New York
July 3, 2023

Robert Lewis, Pro Se